

Applicant : Randy G. Cooper et al.
Serial No. : 10/730,637
Filed : December 8, 2003
Page : 5 of 17

Attorney Docket No. P-JK-01470

Amendments to the Drawings

Please replace sheet 7 of the drawings with the attached replacement sheet.
Attached are a version with a redline markup to show changes and a clean copy.
Fig. 8 has been amended to replace reference numeral 644 with reference numeral 844.

REMARKS

Claims 1-9, 11, 13-14, 16-34, 36, 41-44, 52, and 68-76 are pending, with claims 1, 19, 72, 73, and 74 being independent. Claims 1, 2, 5, 19-34, 36, 41-44, and 52 have been amended, claims 10, 12, 15, 35, 37-40, 45-51, and 53-67 have been cancelled, and claims 68-76 have been added. Applicants respectfully request reconsideration in light of these amendments and the following remarks.

Information Disclosure Statement

The Office Action states that the IDS filed January 20, 2004 is unclear because U.S. Pat. No. 4,983,642 is listed as being issued to Imihashi, when the patent is actually issued to Nakano. Applicants respectfully point out that the IDS lists the patent in question correctly as U.S. Pat. No. 4,938,642, which is issued to Imahashi. Although the Examiner has initialed the IDS, indicating consideration of the Imahashi patent, Applicants respectfully requests that the Examiner confirm in the next Office Action that the Imahashi patent has been considered. Applicants do not request consideration of the Nakano patent listed in the Office Action.

Drawings

The drawings have been objected to as failing to comply with 37 C.F.R. § 1.84(p)(5) as failing to describe certain reference numerals. The amendments to the drawings and specification obviates this objection. No new matter has been added.

The drawings have been objected to under 37 C.F.R. § 1.83(a) as failing to show the motor and working tool recited in claims 1 and 19. Applicants respectfully submit that claims 1 and 19 do not positively recite the a motor or a working tool, and therefore, these elements are not required to be shown on the drawings.

Claim Objections and § 112 Rejections

The objections to claims 2, 5, 21, 37, and 52 for informalities and the rejection of claims 19-34 under 35 U.S.C. § 112, second paragraph, have been obviated by the amendments to the claims.

35 U.S.C. § 102(b) Rejections

Claims 1, 3, 7, 10, 12, 16-19, 23, 26, 28, 32-39, 42-44, and 48-52 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Hestily (U.S. Pat. No.

4,051,880). For at least the following reasons, Applicants respectfully request withdrawal of this rejection.

With respect to independent claim 1, Hestily does not describe or suggest at least the claimed “handle [that] defines a channel therethrough with a terminal portion adapted to be attached to an external vacuum source.” Hestily describes a router 10 (which the Examiner equates to the claimed power tool) with a motor housing 36 and a handle 30 that defines a dust passage 74 (which the Examiner equates to the claimed channel). In Hestily, the dust passage 74 is in communication with a blower 82 that is integral with the motor housing 36. However, Hestily does not describe or suggest at least a “handle [that] defines a channel therethrough with a terminal portion adapted to be attached to an external vacuum source,” as recited in claim 1. For at least these reasons, claim 1, and its dependent claims, are not anticipated by Hestily.

With respect to independent claim 19, Hestily does not describe or suggest at least the claimed “universal grip coupled to the grasping member and facing the base.” As acknowledged on page 6 of the Office Action, “Hestily does not disclose a grip.” Accordingly, claim 19, and its dependent claims, are not anticipated by Hestily.

35 U.S.C. § 103(a) Rejections

Dependent claims 2, 4-6, 8, 9, 11, 13-15, 20-22, 24, 25, 27, 29, 30, 31, 38, 40, 41, 43, 46, and 47 have been rejected under 35 U.S.C. § 103(a) over Hestily in view of one of Vess (U.S. Pat. No. 4,102,370), Yano (U.S. Pat. No. 5,640,741), Lui (U.S. Pat. No. 6,506,006), Williams (U.S. Pat. No. 6,266,850), and Turnbull (U.S. Pat. No. 2,630,152). None of these references, alone or in combination, remedy the deficiencies of Hestily with respect to independent claims 1 and 19, as discussed above.

Vess relates to a spring biased spacing attachment for a router that allows a user to vary the depth of cut of the router. With respect to claim 1, Vess fails to describe or suggest at least the claimed “handle [that] defines a channel therethrough with a terminal portion adapted to be attached to an external vacuum source.” With respect to claim 19, Vess fails to describe or suggest at least the claimed “universal grip coupled to the grasping member and facing the base.”

Yano relates to a soft grip to cover a portion of a handle of a power tool. With respect to claim 1, Yano fails to describe or suggest at least the claimed “handle [that] defines a channel therethrough with a terminal portion adapted to be attached to an external vacuum source.” With respect to claim 19, Yano fails to describe or suggest at least the claimed “universal grip coupled to the grasping member and facing the base.” In particular, in the rejection of dependent claim 20, for example, the Examiner asserts that Yano describes “an oblong hand grip” coupled to a handle of a power tool (see Office Action at page 6). Without commenting on whether the oblong grip of Yano constitutes a universal grip as recited in claim 19, Applicants point out that the oblong hand grip of Yano does not face the power tool to which the handle is attached. Rather, the hand grip of Yano is on a portion of the handle that is opposite to the main body M of the power tool. Accordingly, Yano fails to describe or suggest at least the claimed “universal grip coupled to the grasping member and facing the base.” For at least these reasons, Yano does not remedy the deficiencies of Hestily with respect to claim 19.

Lui relates to a power hand tool having a detachable D-shaped handle. With respect to claim 1, Lui fails to describe or suggest at least the claimed “handle [that] defines a channel therethrough with a terminal portion adapted to be attached to an external vacuum source.” With respect to claim 19, Lui fails to describe or suggest at least the claimed “universal grip coupled to the grasping member and facing the base.”

Williams relates to a hand-tool having adjustable handles. With respect to claim 1, Williams fails to describe or suggest at least the claimed “handle [that] defines a channel therethrough with a terminal portion adapted to be attached to an external vacuum source.” With respect to claim 19, Williams fails to describe or suggest at least the claimed “universal grip coupled to the grasping member and facing the base.”

Turnbull relates to a router supported on a pair of rockers. With respect to claim 1, Turnbull fails to describe or suggest at least the claimed “handle [that] defines a channel therethrough with a terminal portion adapted to be attached to an external vacuum source.” With respect to claim 19, Turnbull fails to describe or suggest at least the claimed “universal grip coupled to the grasping member and facing the base.”

Applicant : Randy G. Cooper et al.
Serial No. : 10/730,637
Filed : December 8, 2003
Page : 17 of 17

Attorney Docket No. P-JK-01470

For at least the foregoing reasons, claims 1 and 19, and their dependent claims, are patentable over any combination of Hestily, Vess, Yano, Lui, Williams, and Turnbull.

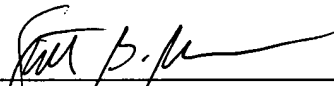
Conclusion

Applicants do not acquiesce to the characterizations of the art. For brevity and to advance prosecution, however, Applicants have not addressed all characterizations of the art, but reserve the right to do so in further prosecution of this or a subsequent application.

We do not believe that any fee is due at this time, however, if there is please charge to our deposit account **02-2548**.

Respectfully submitted,

Date: 11/21/2005



Scott B. Markow
Reg. No. 46,899

The Black & Decker Corporation
701 E. Joppa Road – TW199
Towson, MD 21286
Facsimile: (410) 716-2610
Telephone: (410) 716-3606